IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.852 OF 2005

Siemens Ltd. ...Petitioner.
Vs.
Captech Online Limited. ...Respondent.

Ashish Kamat i/by V.Deshpande & Co. for the petitioner.

None for the respondent.

CORAM : R.S. MOHITE,J.
DATED : 21/12/2006.

P.C.

1. This is a company petition for winding up . Since the respondent company remained absent inspite of service, I have heard the petitioner on merits and perused the documents. It appears that the claim of the present petitioner is for an amount of Rs.1,24,19,746/- alongwith interest for arrears of leave and licence fee chargeable for giving office premises to the respondent company. I am however, not shown any copy of the leave and licence agreement as none has been executed. The case of the company principally rests upon a letter dated 21.7.2001 which only refers to security deposit of Rs.45/- lacs. but does not mention the agreed compensation. No doubt, invoices have been sent by the petitioner but by letter dated 24.12.2002 the respondent has contended that the monthly invoices and statement of account raised by the

petitioner do not contain agreed compensation amount. The Advocate for the petitioner failed to show any correspondence which contain agreed compensation amount. No doubt, the respondent company has offered Rs.18/- lacs by way of amount for their occupation but admittedly the petitioner has security for this amount which is less than the security amount. I find that no security deposit amount has been refunded. In the net result, with liberty to apply for recovery of any amount due to the petitioner, company petition is dismissed.

(R. S. MOHITE, J.)